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EXAMINER

ERB, NATHAN

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte GEORG EBERSBERGER,
and BERND GUENTHER

Appeal 2014-006796
Application 12/306,783
Technology Center 3600

Before, JOSEPH A. FISCHETTI, BIBHU R. MOHANTY, and KENNETH
G. SCHOPFER, *Administrative Patent Judges*.

MOHANTY, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

The Appellants seek our review under 35 U.S.C. § 134 of the final rejection of claims 16-20 and 22-29 which are all the claims pending in the application. We have jurisdiction under 35 U.S.C. § 6(b).

SUMMARY OF THE DECISION

We AFFIRM.

THE INVENTION

The Appellants' claimed invention is directed to ensuring data privacy in determining toll routes (Spec. 1, lines 9-12). Claim 16, reproduced below with the numbering in brackets added, is representative of the subject matter on appeal.

16. A method for determining toll routes, using a filter unit and a vehicle onboard unit of a vehicle in communication with one another, the filter unit having map material so that toll routes are determinable on the basis of a position data, the method comprising the following steps:

[1] transmitting, by the onboard unit, the position data to the filter unit without revealing an identity of the on board unit;

[2] checking, by the filter unit, the transmitted position data for toll relevance;

[3] transmitting, by the filter unit, toll collection data including at least one of road segment IDs, road class categories including distance, and evaluated tariff data records to the onboard unit for charge calculation and billing;

[4] storing the toll routes by the onboard unit; and transmitting the toll routes to a toll collection point for the charge calculation;

[5] wherein the filter unit is a central filter unit located away from the vehicle.

THE REJECTIONS

The Examiner relies upon the following as evidence in support of the rejections:

Nakashima et al.,	US 2003/0033083 A1	Feb. 13, 2003
Cedervall et al.,	US 2004/0203900 A1	Oct. 14, 2004
Clark et al.,	US 6,171,112 B1	Jan. 9, 2001
Tajima et al.,	US 2004/0212518 A1	Oct. 28, 2004
Emerson III	US 2003/0088767 A1	May 8, 2003

The following rejections are before us for review:

1. Claims 16, 17, 22, and 24 are rejected under 35 U.S.C. § 103(a) under Hayashi, Nakashima, and Cedervall.
2. Claims 18 and 23 are rejected under 35 U.S.C. § 103(a) under Hayashi, Nakashima, Cedervall, and Clark.
3. Claims 19 and 25-28 are rejected under 35 U.S.C. § 103(a) under Hayashi, Nakashima, Cedervall, and Tajima.
4. Claim 20 is rejected under 35 U.S.C. § 103(a) under Hayashi, Nakashima, Cedervall, and Emerson.
5. Claim 29 is rejected under 35 U.S.C. § 103(a) under Hayashi, Nakashima, Cedervall, Tajima, and Emerson.

FINDINGS OF FACT

We have determined that the findings of fact in the Analysis section below are supported at least by a preponderance of the evidence¹.

ANALYSIS

The Appellants argue that the rejection of claim 16 is improper because the prior art fails to disclose limitations [1] and [2] identified in the claim above and further that the combination would not have been obvious (App. Br. 5-7, Reply Br. 2-4).

In contrast, the Examiner has determined that the cited claim limitations are found in Nakashima at paras. 81-84 and Cedervall at

¹ See *Ethicon, Inc. v. Quigg*, 849 F.2d 1422, 1427 (Fed. Cir. 1988) (explaining the general evidentiary standard for proceedings before the Patent Office).

paragraph 19 and that the cited combination would have been obvious (Ans. 4-8).

We agree with the Examiner. The argued claim limitations [1] and [2] require:

- [1] transmitting, by the onboard unit, the position data to the filter unit without revealing an identity of the on board unit; [and]
- [2] checking, by the filter unit, the transmitted position data for toll relevance.

(Claim 16). Here, the above argued claim limitations are shown by the prior art. Here, Nakashima is directed to a road guidance system and at paras. 81-82 discloses a position determination section and transmitting a vehicles present position. Nakashima at paras. 83 and 84 discloses including guide point information including toll roads which would be “toll relevance.” Cedervall at para. 19 discloses “protecting the privacy of a user of the wireless unit” which serve to “not reveal the identity” the user. Hayashi at col. 19:35-65 discloses updating balance information based on tolls. Here, the argued cited claim limitations [1] and [2] have been shown in the cited prior art.

We agree with the Examiner’s determination that the cited combination of references would have been obvious to meet the requirements of claim 16. Nakashima is directed to vehicle guidance systems including providing toll road information, and Hayashi is directed to updating toll balances for a vehicle. Cedervall discloses keeping location based services private, which could be used in the location based combination of record in the rejection. In *KSR Int’l Co. v. Teleflex Inc.*, 550 U.S. 398 (2007) the Court stated that when considering obviousness that “the analysis need not seek out precise teachings directed to the specific

subject matter of the challenged claim, for a court can take account of the inferences and creative steps that a person of ordinary skill in the art would employ.” *KSR* at 418. Appellants’ arguments attack references individually, while the rejections at issue are over a combination of references. *See In re Keller*, 642 F.2d 413, 426 (CCPA 1981) (“one cannot show non-obviousness by attacking references individually where, as here, the rejections are based on combinations of references”). Here, the modification of Nakashima’s road position guidance system with toll data to include updated toll balance information as taught by Hayashi, and to keep transactions anonymous as taught by Cedervall in a location based service would have been an obvious, predictable combination of familiar elements for their known functions.

For these reasons the rejection of claim 16 is sustained. The Appellants have provided essentially the same arguments for the remaining claims and the rejection of these claims is sustained as well.

CONCLUSIONS OF LAW

We conclude that Appellants have not shown that the Examiner erred in rejecting the claims as listed in the Rejections above.

DECISION

The Examiner’s rejection of claims 16-20 and 22-29 is sustained.

AFFIRMED